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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,641	12/05/2001	Dale Malik	36968/259823	8241

7590 05/16/2005

Jeffrey R. Kuester, Esq  
THOMAS KAYDEN HORSTEMEYER & RISLEY LLP  
100 Galleria Parkway  
Suite 1750  
Atlanta, GA 30339-5948

EXAMINER

UNGAR, DANIEL M

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/005,641

Applicant(s)

MALIK ET AL.

Examiner

Daniel M. Ungar

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED OFFICE ACTION**

1. Claims 1-27 have been examined.

**SPECIFICATION**

2. The specification is objected to for the following informalities:
  - a. Page 6 recites, "an Authentication, Authorization, and Accounting (AA) database". The acronym "AA" does not properly convey the intended meaning of "Authentication, Authorization, and Accounting".
  - b. Page 6 recites, "the roaming customer must *inter* a USERID and password."

**CLAIM REJECTIONS - 35 U.S.C. 112**

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 4 recites the limitations, "the START record" and "the database", which lack sufficient antecedent basis.
5. Claim 13 recites, "data similar to a Terminal Access Controller Access Control System". The term "similar to" is a relative term which renders the claim indefinite. The term "similar to" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
6. In claims 13 and 14, the recitation, "the [AAA] database" lacks sufficient antecedent basis.

7. In claim 16, the limitation, "the list" lacks sufficient antecedent basis.

**CLAIM REJECTIONS - 35 U.S.C. 102**

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1- 3, 6-7, 9-11, 13-17, 19-23, and 25-27, as best understood in light of rejections under 35 U.S.C. 112, second paragraph, are rejected under 35 U.S.C. 102(e) as being anticipated by Clark et al., U.S. Patent Number 6,442,588.

10. Regarding claims 1, 3, and 19, Clark et al. disclose a method of blocking unsolicited e-mail transmitted to a mail server at an ISP from a remote server, comprising:

receiving a user identification and password associated with a roaming customer (see column 5, lines 53-63; figure 4a, item 404);

retrieving a plurality of data associated with the roaming customer based on the USERID and password and authenticating the roaming customer using the retrieved data (see column 5, line 63 - column 6, line 25; figure 4a, item 410);

dynamically adding an IP address assigned to the roaming customer to a plurality of valid IP addresses associated with the ISP (see column 2, lines 34-56; column 4, lines 30-54; figure 4b, item 426); and

logging the roaming customer onto a mail server, wherein only the remote customer may access the mail server using the assigned IP address from the remote server (see column 6, lines 36-55; column 4, lines 46-58).

Note that the prevention of unauthorized access to e-mail (column 4, lines 46-48) includes sufficient structure for blocking unsolicited e-mail transmitted to the mail server. The specific

intended use of the claim, blocking unsolicited e-mail, has thus not been given patentable weight.

11. Regarding claim 2, Clark et al. disclose receiving the USERID and password associated with the roaming customer to an authentication server and comparing the USERID and password against registered users of the ISP (see column 6, lines 16-25; figure 5); generating a positive response if the USERID and password match a registered user, and a negative response if the USERID and password do not match a registered customer (see column 6, lines 26-43); and receiving a START record indicating the beginning of the roaming customer's access to the mail server (see column 6, lines 44-55).

12. Regarding claims 6, 7, and 20, Clark et al. disclose logging off the remote customer by receiving a termination signal, transmitting the customer's USERID to the remote server, and receiving a STOP record that identifies the customer (see column 7, lines 23-34).

13. Regarding claims 9, 10, 11, 15, 16, 17, 21, 22, and 23, Clark discloses a method of logging on a roaming customer to an ISP through a foreign NAS comprising: receiving a user command through an Internet device (see column 5, line 53 – column 6, line 25), authenticating the user through a USERID and password (see column 5, line 63 – column 6, line 25; figure 4a, item 410), generating a positive or negative response depending if the roaming customer is a registered user of the ISP (see column 6, lines 26-43), storing a data log of the customer's usage (see column 6, lines 44-55), connecting the roaming customer to the mail server using the IP address of the NAS (see column 4, lines 46-58), removing the IP address upon logging off (see column 7, lines 22-34).

14. Regarding claims 13 and 14, Clark et al. disclose data organized similar to TACACS and a USERID (see column 6, lines 3-16).

15. Regarding claim 25, Clark et al. disclose forwarding the data log to the ISP's server (see column 6, lines 44-55).

16. Regarding claims 26 and 27, Clark et al. disclose assigning an IP address to the roaming customer to access the mail server, and to a list of valid IP addresses from the NAS (see column 4, lines 46-64; column 6, lines 36-65).

***CLAIM REJECTIONS - 35 U.S.C. 103(a)***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al., as established above, in view of Donaldson, U.S. Patent Number 6,321,267.

19. Regarding claims 4 and 5, although Clark et al. disclose reading a START record, RELAY, and validating the IP address against the pool of valid IP addresses (see column 6, line 56 - column 7, lines 22), they do not disclose the request to send e-mail using the SMTP protocol or a timestamp when the IP address is dynamically added to the pool. However, the use of SMTP and timestamps was well known in the art at the time of the invention. Exemplary of this is Donaldson who discloses the use of SMTP, which is disclosed to include a timestamp (see column 2, lines 3-61; column 4, lines 24-34). It would have been obvious to one of ordinary skill in the art at the time of the invention to initiate an SMTP request to send e-mail from an e-mail application server to provide the customer with a standard way of sending e-mail, and a timestamp to have an accurate and complete START record of the e-mail.

20. Regarding claim 8, Clark et al. do not disclose determining if the roaming customer sent unauthorized email messages, but Donaldson, in a similar field of endeavor, discloses determining if the customer sent unauthorized email messages after logging off, which is after

only allowing authorized IP addresses to log on (see column 14, line 60 – column 15, line 2; column 33, lines 13-23). In light of the teachings of Donaldson, it would have been obvious to one of ordinary skill in the art to have checked for unauthorized messages after log-off to ensure that no unauthorized use has occurred.

21. Claims 12, 18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al., as established above, in view of Amin et al., U.S. Patent Number 6,854,014.

22. Regarding claims 12, 18, and 24, Clark et al. disclose providing a record and log. It comprises an IP address, a protocol, a framed protocol, a user name, a called station ID and calling station ID, and account status type and account authentication, a service type, and relay to the mail server (see column 4, lines 46-64; column 6, lines 44-65). However, Clark et al. do not specify an account session ID, and account delay time, and a start timestamp. Nevertheless, including these in a START record was well known in the art at the time of the invention. Exemplary of this is Amin et al. who disclose, in a similar field of endeavor, a start record of authentication which includes, among other things, an account session ID, timestamp, account delay time, service type, authentication, and account status type (see column 19, lines 35-60; column 21, line 51 – column 22, line 20). In light of the teachings of Amin et al. it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Clark et al. to include these attributes to record relevant accounting information relating to the session.

## **CONCLUSION**

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M. Ungar whose telephone number is 571.272.7960. The examiner can normally be reached on 8:30 - 6:00 Monday - Thursday, Alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571.272.3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2132

DMU

Daniel M. Ungar



GILBERTO BARRÓN JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100